



# Interpage, Co.

8855 Bay Parkway # 8D,  
Brooklyn, NY 11214

Tel (347)492-7018; (917)975-4108

Email: Vernikov@gis.net

## INVOICE 0909-13/21

Sender, address, "INTERPAGE INTERNATIONAL 8855 Bay Parkway #2A Brooklyn, NY, 11214	Date: 09.09.2013
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Receiver, address, country: [REDACTED]		Pages: 1			
Condition of delivery: COD					
Mark s and num bers	Description and code of goods	Quantity	Price	Amount EUR	Amount USD
1	Caned fish Brivais Vilnis	140cs			4,944.00
2.	Egg pasta Alb-Gold 250g 18ps	40cs	8.10	324.00	
3.	Egg pasta Alb-Gold 500g 12ps	20cs	8.70	174.00	
4.	Egg pasta Alb-Gold 500g 15ps	100cs	10.875	1,087.50	
5.	Egg pasta Alb-Gold 500g 18ps	20cs	13.05	261.00	
6.	Egg pasta Alb-Gold 500g 20ps	120cs	14.50	1,740.00	
	SUBTOTAL:			3,586.50	
	Rate			1.3637	4,890.23
	TOTAL:				9,834.23
	PAID				
	BALANCE				

Vice President

Gregory Vernikov

INTERPAGE INTERNATIONAL

8855 Bay Parkway # 8D

Brooklyn, New York 11214

Acct. # 9957362981

Citibank, NA

ABA code 021000089

**CONFIDENTIAL**

**IPVO1494**



# Interpage, Co.

8855 Bay Parkway # 8D,  
Brooklyn, NY 11214

Tel (347)492-7018; (917)975-4108

Email: gvernikov2@gmail.com

## INVOICE 0930-13/28

Sender, address, "INTERPAGE INTERNATIONAL 8855 Bay Parkway #2A Brooklyn, NY, 11214	Date: 09.09.2013
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Receiver, address, country: [REDACTED]		Pages: 1			
Condition of delivery: COD					
Marks and numbers	Description and code of goods	Quantity	Price	Amount EUR	Amount USD
1	Egg pasta Alb-Gold 250g 18ps	40cs	8.10	324.00	
2.	Egg pasta Alb-Gold 500g 12ps	20cs	8.70	174.00	
3.	Egg pasta Alb-Gold 500g 15ps	100cs	10.875	1,087.50	
4.	Egg pasta Alb-Gold 500g 18ps	20cs	13.05	261.00	
5.	Egg pasta Alb-Gold 500g 20ps	120cs	14.50	1,740.00	
	TOTAL: \$24,125.22			3,586.50	
	Rate 20.27%			1.3637	4,890.91
	Freight \$2,440.00	20.27%			494.59
	Brokers fee \$287.88	20.27%			58.35
	Inland transportation \$600	20.27%			121.62
	SUBTOTAL:				5,565.47
	PAID:				4,890.23
	BALANCE				\$675.24

Vice President

Gregory Vernikov

INTERPAGE INTERNATIONAL

8855 Bay Parkway # 8D

Brooklyn, New York 11214

Acct. # 9957362981

Citibank, NA

ABA code 021000089

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**IPVO1495**



**Interpage, Co.**  
8855 Bay Parkway # 8D, Tel (347) 492-7018; (917) 975-4108  
Brooklyn, NY 11214

**INVOICE 03.06-15/305 from 03.06/2015**

**BUYER**



Bar Code	Description of goods	Number of cases	Cans per cases	Number of cans	Unit price USD	Total value USD
200497	Pasta Bandnudeln Lapsha 9 mm 500G/8	8	8	64	1.25	80.00
200498	Pasta Bandnudeln Lapsha 13 mm 500G/8	8	8	64	1.25	80.00
200499	Pasta Buchstaben Alphabet 250g/24	8	24	192	0.70	134.40
200500	Pasta Bandnudeln Lapsha 4 mm 500G/8	8	8	64	1.25	80.00
200501	Pasta Dreili Spiralki 500G/10	8	10	80	1.25	100.00
200504	Pasta Fadennudeln Pautinka 500G/10	8	10	80	1.25	100.00
200601	Pasta Spiralen 500gr/10	8	10	80	1.25	100.00
200602	Pasta Wellenband 500G/8 Volni	8	8	64	1.25	80.00
200603	Pasta Mini Conchiglie 500gr/24	8	24	192	0.70	134.40
200604	Pasta Gemeli 500gr/12	8	12	96	1.25	120.00
200605	Pasta Schnittnudeln 500G/10	8	10	80	1.25	100.00
200612	Pasta Shells 500G/8	8	8	64	1.25	80.00
<b>TOTAL :</b>		<b>96</b>				<b>1,188.80</b>

President

Gregory Vernikov

**INTERPAGE INTERNATIONAL**  
8855 Bay Parkway # 8D  
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**IPVO1496**





# Interpage, Co.

8855 Bay Parkway # 8D, Tel (347) 492-7018; (917) 975-4108  
Brooklyn, NY 11214

Order 03.13-15/311 from 03.13/2015

BUYER



Bar Code	Description of goods	Number of cases	Cans per cases	Number of cans	Unit price USD	Total value USD
200497	Pasta Bandnudeln Lapsha 9 mm 500G/8	4	8	32	1.25	40.00
200499	Pasta Buchstaben Alphabet 250g/24	10	24	240	0.70	168.00
200500	Pasta Bandnudeln Lapsha 4 mm 500G/8	5	8	40	1.25	50.00
200504	Pasta Fadennudeln Pautinka 500G/10	10	10	100	1.25	125.00
200602	Pasta Wellenband 500G/8 Volni	5	8	40	1.25	50.00
200603	Pasta Mini Conchiglie 500gr/24	8	24	192	0.70	134.40
200605	Pasta Schnittnudeln 500G/10	7	10	70	1.25	87.50
<b>TOTAL :</b>		<b>49</b>				<b>654.90</b>

President

Gregory Vernikov

## INTERPAGE INTERNATIONAL

8855 Bay Parkway # 8D  
Brooklyn, New York 11214  
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**IPVO1497**



**Interpage, Co.**  
8855 Bay Parkway # 8D, Tel (347) 492-7018; (917) 975-4108  
Brooklyn, NY 11214

**Invoice 03.23-15/327 from 03.23/2015**

**BUYER**



Bar Code	Description of goods	Number of cases	Cans per cases	Number of cans	Unit price USD	Total value USD
200001	Dushes Glasss 1.0 L/6	30	6	180	1.10	198.00
200002	Dushes Plastic 2.0L/6	15	6	90	1.12	100.80
200004	Tarkhun Glass 1.0L/6	30	6	180	1.10	198.00
200269	Tarkhun Plastic 2.0L/6	15	6	90	1.12	100.80
200274	Baikal Plastic 2.0L/6	15	6	90	1.12	100.80
200625	Mackerel Oil 240/48 EO	3	48	144	1.20	172.80
200626	Mackerel Tomato 240/48 EO	3	48	144	1.20	172.80
200508	Sprats oil 160g/72 EO	5	72	360	0.90	324.00
200504	Pasta Fadennudeln Pautinka 500G/10	5	10	50	1.20	60.00
200601	Pasta Spiralen 500gr/10	5	10	50	1.20	60.00
200605	Pasta Schnittnudeln 500G/10	5	10	50	1.20	60.00
<b>TOTAL:</b>		<b>131</b>				<b>1,548.00</b>

President

Gregory Vernikov

**INTERPAGE INTERNATIONAL**

8855 Bay Parkway # 8D  
Brooklyn, New York 11214  
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**CONFIDENTIAL**

**IPVO1498**



# Interpage, Co.

8855 Bay Parkway # 8D,  
Brooklyn, NY 11214

Invoice 03.30-15/336 from 03.30/2015

BUYER



Bar Code	Description of goods	Number of cases	Cans per cases	Number of cans	Unit price USD	Total value USD
100717	Cod Liver oil 121G/112 Kosher	3	112	336	1.10	369.60
200004	Tarkhun Glass 1.0L/6	30	6	180	1.10	198.00
200504	Pasta Fadennudeln Pautinka 500G/10	10	10	100	1.20	120.00
200601	Pasta Spiralen 500gr/10	4	10	40	1.20	48.00
200602	Pasta Wellenband 500G/8 Volni	3	8	24	1.20	28.80
200605	Pasta Schnittnudeln 500G/10	5	10	50	1.20	60.00
200074	Saury Natural in Oil 250G/48 Russian lable	5	48	240	1.10	264.00
TOTAL:		60				1,088.40

President

Gregory Vernikov

INTERPAGE INTERNATIONAL

8855 Bay Parkway # 8D

Brooklyn, New York 11214

Acct. # 9957362981

Citibank, NA

ABA code 021000089

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**IPVO1499**





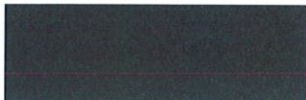
# Interpage, Co.

8855 Bay Parkway # 8D, Brooklyn, NY 11214

Tel (347) 492-7018; (917) 975-4108, e-mail: gvernikov2@gmail.com

Invoice 04.17-15/355 from 04.17.2015

BUYER



Item	Number of cases	Pcs per case	Number of pieces	Unit price USD	Total value USD
<b>Class Name: SOFT DRINKS</b>					
<b>Brand Name: Chernogolovka</b>					
200001 Dushes Glass 1.0L/6	10	6	60	\$1.10	66.00
200002 Dushes Plastic 2.0L/6	20	6	120	\$1.12	134.40
200003 Extra Citro Glass 1.0L/6	5	6	30	\$1.10	33.00
200004 Tarkhun Glass 1.0L/6	5	6	30	\$1.10	33.00
200213 Lemonade Original Glass 1.0L/6	5	6	30	\$1.10	33.00
200237 Lemonade Original Plastic 2.0L/6	5	6	30	\$1.12	33.60
200270 Crushon Plastic 2.0L/6	3	6	18	\$1.12	20.16
200271 Extra Citro Plastic 2.0L/6	5	6	30	\$1.12	33.60
200272 Crushon Glass 1.0L/6	5	6	30	\$1.10	33.00
200274 Baikal Plastic 2.0L/6	10	6	60	\$1.12	67.20
200275 Baikal Glass 1.0L/6	10	6	60	\$1.10	66.00
200288 Rosinka Tarkhun 2L/6 Plastic	5	6	30	\$1.12	33.60
200290 Rosinka Lemonade 2L/6 Plastic	5	6	30	\$1.12	33.60
200362 Buratino Glass 1L/6	10	6	60	\$1.10	66.00
200364 Cream Soda Glass 1L/6	5	6	30	\$1.10	33.00
200365 Sayany Glass 1L/6	5	6	30	\$1.10	33.00
200366 Sayany Plastic 2L/6	5	6	30	\$1.12	33.60
200650 Dushes 0.33L/12	10	12	120	\$0.82	98.40
<b>Brand Name: Kvass "Monastursky"</b>					
200303 Monastirskyi Classic Kvas 2L/6	15	6	90	\$1.17	105.30
200305 Monastirskyi Okroshkovyi Kvas 2L/6	5	6	30	\$1.17	35.10
200584 Grean Peas 720/12	50	12	600	\$0.90	540.00
200600 Cookies Gardums 7.7lbs	10	1	10	\$13.54	135.40
<b>Brand Name: Delicious Wonders, Germany</b>					
200497 Pasta Bandnudeln Lapsha 9 mm 500G/8	10	8	80	\$1.36	108.80
200498 Pasta Bandnudeln Lapsha 13 mm 500G/8	5	8	40	\$1.36	54.40
200500 Pasta Bandnudeln Lapsha 4 mm 500G/8	10	8	80	\$1.36	108.80
200501 Pasta Dreili Spiralki 500G/10	10	10	100	\$1.36	136.00
200504 Pasta Fadennudeln Paulinka 500G/10	15	10	150	\$1.36	204.00
200601 Pasta Spiralen 500gr/10	10	10	100	\$1.36	136.00
200602 Pasta Wellenband 500G/8 Volni	10	8	80	\$1.36	108.80
200605 Pasta Schnitnudeln 500G/10	5	10	50	\$1.36	68.00
<b>TOTAL:</b>	<b>283</b>				<b>2,624.76</b>

President

Gregory Vernikov



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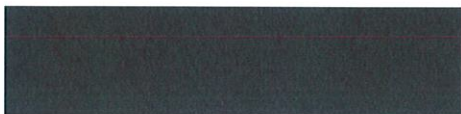
**IPVO1500**



**Interpage, Inc.**  
8855 Bay Parkway # 8D, Tel (347) 492-7018; (917) 492-7019  
Brooklyn, NY 11214

**Inv.04.28-15/361 from 04.28/2015**

**BUYER**



Bar Code	Description of goods	Number of cases	Cans per cases	Number of cans	Unit price USD
200497	Pasta Bandnudeln Lapsha 9 mm 500G/8	5	8	40	1.20
200500	Pasta Bandnudeln Lapsha 4 mm 500G/8	5	8	40	1.20
200501	Pasta Dreili Spiralki 500G/10	3	10	30	1.20
200601	Pasta Spiralen 500gr/10	5	10	50	1.20
200602	Pasta Wellenband 500G/8 Volni	3	8	24	1.20
200605	Pasta Schnitnudeln 500G/10	5	10	50	1.20
<b>TOTAL:</b>		<b>26</b>			

President

Gregory Vernikov

**INTERPAGE INTERNATIONAL**  
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**IPVO1501**





# Interpage, Co.

8855 Bay Parkway # 8D, Brooklyn, NY 11214

Tel (347) 492-7018; (917) 975-4108, e-mail: gvernikov2@gmail.com

Invoice 05.11-15/374 from 05.11.2015

BUYER



Item	Number		Number	Unit price	Total
	of	Pcs per			
	cases	case	of pieces	USD	value USD
Brand Name: Kvass "Monastursky"					
200300 Danilo Classic Kvas 2L/6	10	6	60	\$1.17	70.20
200303 Monastirskiy Classic Kvas 2L/6	20	6	120	\$1.17	140.40
Brand Name: Delicious Wonders, Germany					
200833 Pasta Macaronelli 500G/15	15	15	225	\$1.36	306.00
Brand Name: Brivais Vilnis (RIGA, LATVIA)					
200850 Cod Liver oil 190G/24 Iceland	20	24	480	\$1.32	633.60
TOTAL:	65				1,150.20

President \_\_\_\_\_

Gregory Vernikov



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**IPVO1502**



**Interpage, Co.**  
8855 Bay Parkway # 8D, Tel (347) 492-7018; (917) 975-4108  
Brooklyn, NY 11214

**INVOICE 05.14-15/377 from 05.14/2015**

**BUYER**



Bar Code	Description of goods	Number of cases	Cans per cases	Number of cans	Unit price USD	Total value USD
200504	Pasta Fadennudeln Pautinka 500G/10	5	10	50	1.20	60.00
200784	Saury Blanched Oil 250G/48	5	48	240	1.25	300.00
<b>TOTAL :</b>		<b>10</b>				<b>360.00</b>

President

Gregory Vernikov

**INTERPAGE INTERNATIONAL**

8855 Bay Parkway # 8D  
Brooklyn, New York 11214  
Acct. # 9957362981  
Citibank, NA  
ABA code 021000089

**CONFIDENTIAL**

**IPVO1503**



# Interpage, Co.

Bay Parkway # 8D,  
Brooklyn, NY 11214

Tel (347)492-7018; (917)975-4108  
Email: gvernikov2@gmail.com

## INVOICE 0617-15/406A

Sender, address, "INTERPAGE INTERNATIONAL 8855 Bay Parkway #2A Brooklyn, NY, 11214	Date: 06.17.2015
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Receiver, address, country: [REDACTED]		Pages: 1		
Condition of delivery: COD				
Marks and numbers	Description and code of goods	Quantity	Price USD	Amount USD
1	Canned cod liver in oil 121g/100	96,000/960cs	0.65/65.00	62,400.00
2	Wire fees			27.00
3	Transportation FOB Reykjavik - DAT Portland			2,658.00
4	Wire fees			17.00
5	Commission (June, July)			8,000.00
	TOTAL:			73,102.00
	PAID:			62,427.00
	BALANCE:			10,675.00

President

Gregory Vernikov

INTERPAGE INTERNATIONAL  
8855 Bay Parkway # 8D  
Brooklyn, New York 11214  
Acct. # 9957362981  
Citibank, NA  
ABA code 021000089

**CONFIDENTIAL**

**IPVO1504**





# Interpage, Co.

Bay Parkway # 8D,  
Brooklyn, NY 11214

Tel (347)492-7018; (917)975-4108  
Email: gvernikov2@gmail.com

## INVOICE 1224-15/545

Sender, address, "INTERPAGE INTERNATIONAL 8855 Bay Parkway #2A Brooklyn, NY, 11214	Date: 12.24.2015
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Receiver, address, country: [REDACTED]	Pages: 1
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Condition of delivery: COD	
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Mark s and numb ers	Description and code of goods	Quantity	Amount USD	Amount USD
1	Canned fish "Brivais Vilnis"	940cs		39,462.60
2	Confectionery	980cs		10,059.00
3	Wire fee	3	27.00	81.00
4	Freight FCA Riga - DAT New York		2,500.00	2,500.00
5	Commission November, December	2	4,000.00	8,000.00
6	Inland transportation (2 previous containers)		1,344.25	1,344.25
7	Broker's fee (2 previous containers)		1,018.00	1,018.00
	TOTAL:			62,464.85
	PAID:			
	BALANCE:			

Vice President

Gregory Vernikov

INTERPAGE INTERNATIONAL

8855 Bay Parkway # 8D  
Brooklyn, New York 11214

Acct. # 9957362981

Citibank, NA  
ABA code 021000089

**CONFIDENTIAL**

**IPVO1505**



# Interpage, Co.

Bay Parkway # 8D,  
Brooklyn, NY 11214

Tel (347)492-7018; (917)975-4108  
Email: gvernikov2@gmail.com

## INVOICE 0209-16/570

Sender, address, "INTERPAGE INTERNATIONAL 8855 Bay Parkway #2A Brooklyn, NY, 11214	Date: 02.09.2016
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Receiver, address, country: [REDACTED]	Pages: 1
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Condition of delivery: <b>COD</b>	
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Mark s and numb ers	Description and code of goods	Quantity	Amount USD	Amount USD
1	Canned fish "Brivais Vilnis"	1165cs		41,353.00
2	Confectionery	400cs		6,440.00
3	Wire fee	3	27.00	81.00
4	Freight FCA Riga - DAT New York		2,050.00	2,050.00
5	Commission January		6,000.00	6,000.00
6	Inland transportation (BMOU4185753)		837.50	837.50
7	Inland transportation (DRYU9225021)		700.00	700.00
8	Brokers fee (2 containers)	1,416.21	1,082.08	2,498.29
	<b>TOTAL:</b>			59,959.79
	<b>PAID:</b>			
	<b>BALANCE:</b>			

Vice President

Gregory Vernikov

**INTERPAGE INTERNATIONAL**

**8855 Bay Parkway # 8D  
Brooklyn, New York 11214  
Acct. # 9957362981  
Citibank, NA  
ABA code 021000089**

**CONFIDENTIAL**

**IPVO1506**





## United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • [www.copyright.gov](http://www.copyright.gov)

March 18, 2016

Epstein Drangel LLP  
Attn: Wiser Jennette  
60 East 42nd Street, Suite 2410  
New York, NY 10165

Correspondence ID: 1-1HB10V7  
Original Corresp. ID: 1-1846POD  
Re: Cod Liver Packaging Artwork

Dear Ms. Wiser:

This correspondence is in response to your letter of November 23, 2015, requesting reconsideration of the U.S. Copyright Office's refusal to register a copyright claim in the above titled works. You made this request on behalf of the applicant, Interpage International, Inc.

We first note that you state the specialist's letter did not articulate in detail the analysis of the claim and the explicit standards applied to the determination not to register. The specialist did, however, cite the appropriate regulatory provisions prohibiting registration of these claims. Specialists are not required to describe in detail the analytical process used in making the determination not to register. See *U.S. Copyright Office, Compendium of U.S. Copyright Office Practices* § 608 (3d ed. 2014). On reconsideration, the Office is prepared to offer a more extensive explanation of its reasoning.

We have reviewed *Cod Liver Packaging Artwork* in light of the points raised in your letter. We are, however, still unable to register a copyright claim in this work because it does not contain a sufficient amount of original and creative authorship to support a copyright registration.

In your request, you discuss the copyrightability of commercial labels. That commercial labels constitute copyrightable subject matter is not in question; their protection under copyright law has been long established. However, the fact that a commercial label can exhibit sufficient original and creative authorship to support a claim in copyright does not mean that *all* commercial labels are *per se* copyrightable. All copyrightable works must qualify as "original works of authorship." 17 U.S.C. § 102(a). As used with respect to copyright, the term "original" consists of two components: independent creation and a sufficient amount of creativity. *Feist Publications, Inc. v. Rural Telephone Service Company, Inc.*, 499 U.S. 340, 345 (1991). First, the work must have been created by the author, i.e., not copied from another work. The Office does not question that *Cod Liver Packaging Artwork* was created independently and not copied from any existing work; consequently, this component is not at issue. But the Office must determine whether the work contains a sufficient amount of creativity, the second component of "originality." For the reasons set forth herein, the Office determines that *Cod Liver Packaging Artwork* do not contain sufficient amounts of creativity to warrant registrations.

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**IPVO1507**



In determining whether a work has a sufficient amount of original authorship necessary to sustain a copyright claim, the Office follows the standard set by the Supreme Court in *Feist* that only a modicum of creativity is necessary to support a copyright registration. The Court also ruled, however, that some works (such as the one in that case) fail to meet the low standard. The Court observed that “as a constitutional matter, copyright protects only those constituent elements of a work that possess more than a de minimis quantum of creativity,” 499 U.S. at 363, and that there can be no copyright in a work in which “the creative spark is utterly lacking or so trivial as to be virtually nonexistent.” *Id.* at 359; see also 37 C.F.R. § 202.10(a) (“In order to be acceptable as a pictorial, graphic, or sculptural work, the work must embody some creative authorship in its delineation or form.”). While “the standard of originality is low . . . it does exist.” *Feist*, 499 U.S. at 362.

In implementing this threshold for creativity, the Office and the courts consistently have found that standard designs, figures, and geometric shapes are not sufficiently creative to sustain a copyright claim. See 37 C.F.R. § 202.1(a) (“[F]amiliar symbols or designs” are “not subject to copyright applications for registration of such works cannot be entertained.”); see also *Compendium (Third)* § 906.1 (common geometric shapes not copyrightable), § 906.2 (familiar symbols and designs or mere variations thereof not copyrightable). See also *Coach, Inc. v. Peters*, 386 F. Supp. 2d 495, 498-99 (indicating mere variations in typographic ornamentation or letter cannot support a copyright claim); and see *Boisson v. Banian, Ltd.*, 273 F.3d 262, 271 (2d Cir. 2001) (indicating mere coloration cannot support a copyright claim.) Moreover, simply making minor alterations to these otherwise standard shapes will not inject the requisite level of creativity. See *Alfred Bell & Co. v. Catalda Fine Arts*, 191 F.2d 99, 102-03 (2d Cir. 1951) (What “is needed to satisfy both the Constitution and the statute is that the ‘author’ contributed something more than a ‘merely trivial’ variation, something recognizably ‘his own.’”).

*Cod Liver Packaging Artwork* is, as discussed above, a commercial label design. The base of the label is a yellow-colored rectangle with rounded edges. On the left side is the required manufacturing information along with a kosher certification logo. Next to this, is a band of five vertical lines colored blue-white-red-white-blue. Over the vertical lines is a white circle, with the words “omega 3 vitamins A + D” in red coloring. To the left of the vertical lines is the phrase “Cod Liver in own oil” in red coloring, and directly above this is the UPC bar code. At the far right of the label is the required nutritional information. At the bottom of the label is a band of blue semi-circles with the phrase “produced from fresh Icelandic cod liver” in white coloring.

As you acknowledge in your letter, protection is not afforded to the individual elements which make up the label. Rather, you argue, this label design is registrable based on the combination of elements. The Office will examine works both in regards to their individual elements as well as the work as a whole. *Compendium (Third)* § 309. While some combinations and arrangements of uncopyrightable elements may make a work copyrightable, that is not always the case, nor is it the case here. In *Satava v. Lowry*, 323 F. 3d 805 (9th Cir. 2003), the Ninth Circuit found this concept to be true when it found a sculptural arrangement, which combined elements not copyrightable in themselves, unprotectable. The court explained that not “every combination of unprotectible elements automatically qualifies for copyright protection. . . a combination of unprotectible elements is eligible for copyright protection only if those elements are numerous enough and their selection and arrangement original enough that their combination constitutes an original work of authorship.” See *id.* at 811.



Much like the sculpture in *Satava*, *Cod Liver Packaging Artwork* only features basic elements in a simple combination. We have considered the work as a whole and find that the features are not combined in any way that differentiates them from their basic shape components, and so they cannot rise to the level of creativity necessary for copyright registration. See *Compendium (Third)* § 905 ("In all cases, a visual art work must contain a sufficient amount of creative expression. Merely bringing together only a few standard forms or shapes with minor linear or spatial variations does not satisfy this requirement."). *Cod Liver Packaging Artwork* consists of the elements expected and required on a label, all arranged in a rectangular configuration, the most common and expected label configuration. Your description of the work does not alter the objective overall impression of the finished work, which remains a simple rectangular label design of expected elements, demonstrating insufficient creativity to support a claim in copyright.

The Office will not consider the time and effort used in creating a design, or its novelty, aesthetic appeal, and commercial value. *Feist*, 499 U.S. at 360; *Compendium (Third)* §§ 310.1, 310.7, 310.10. Not only is the time and effort used in creating the design irrelevant, so too is any artistic merit. *Compendium (Third)* § 310.2 ("As the Supreme Court noted, 'it would be a dangerous undertaking for persons trained only to the law to constitute themselves final judges of the worth of pictorial illustrations, outside of the narrowest and most obvious limits.'" *Bleistein v. Donaldson Lithographing Co.*, 188 U.S. 239, 251 (1903)."). The fact that a work may be novel, distinctive, innovative, or even unique is irrelevant to this analysis."). Nor do we consider the artistic choices of the author and design alternatives for the work. *Compendium (Third)* § 310.8 ("It is not the variety of choices available to the author that must be evaluated, but the actual work that the author created."). As discussed above, we find that this design demonstrates insufficient creativity to support a claim in copyright.

Copyright requires a "modicum of creativity" or some kind of "creative spark." *Id.* at 369. Even though, as you point out, the creative threshold is relatively low, it is not without limits. *Id.* at 362 ("The standard of originality is low, but it does exist."); see also *Compendium (Third)* § 308. There is a "narrow category" of works where this "creative spark is utterly lacking or so trivial as to be virtually nonexistent." *Feist*, 499 U.S. at 359; see also 1 M. Nimmer & D. Nimmer, *Nimmer On Copyright* § 2.01(b) (1998) ("[T]here remains a narrow area where admittedly independent efforts are deemed too trivial or insignificant to support a copyright."). We find that *Cod Liver Packaging Artwork* falls within that narrow category.

Because there are no elements or features embodied in this work, either alone or in combination, upon which a copyright registration is possible, we must again refuse copyright registration for *Cod Liver Packaging Artwork*.

Sincerely,



Stephanie Mason, Attorney-Advisor  
Office of Registration Policy and Practice  
U.S. Copyright Office



## United States Copyright Office

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# Return this sheet if you request reconsideration.

### How to request reconsideration:

- Send your request in writing. (It must be received in the Copyright Office no later than three months after the date on the Office's refusal letter.)
- Explain why the claim should be registered or why it was improperly refused.
- Enclose the required fee – see below.
- Address your request to:

**RECONSIDERATION**  
**Copyright RAC Division**  
**P.O. Box 71380**  
**Washington, DC 20024-1380**

**Note:** Include the Correspondence ID Number (see above) on the first page. Indicate either "First Reconsideration" or "Second Reconsideration" as appropriate on the subject line.

**Notification of decision:** The Copyright Office will send a written notification of its decision, including an explanation of its reasoning.

**First Request for Reconsideration:** The Registration Program Office considers the first request. If it upholds the refusal, you may submit a second request.

**Second Request for Reconsideration:** The Copyright Office Board of Review considers the second request. The Board consists of the Register of Copyrights and the General Counsel (or their respective designees), and a third member appointed by the Register. The Board's decision constitutes final agency action.

### FEES:

<b>First Request</b>	\$250 per claim (i.e. the work(s) contained on a single application)
<b>Second Request</b>	\$500 per claim (i.e. the work(s) contained on a single application)

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**IPVO1510**